

## LICENSING AND SAFETY COMMITTEE

13 OCTOBER 2009

### GAMBLING ACT 2005 – REVIEW OF COUNCIL STATEMENT OF GAMBLING POLICY

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#### Summary

The purpose of this report is to ask the Licensing and Safety Committee to consider the minor amendments to the current Council Statement of Gambling Policy that came into effect on 31 January for a period of 3 years.

#### 1. Budget and Policy Framework

- 1.1 This is a policy framework document . The existing Council approved statement published on 31 December 2006 effective from 31 January 2007 remains in force for a period of 3 years.

#### 2. Background

- 2.1 The Gambling act came fully into force in September 2007 although the “first appointed day” (when the Council could start to receive applications) was 31 January 2007. In preparation, each licensing authority was required to develop, consult on and publish a statement of its licensing policy. The existing statement sets out the principles, which the authority applies in exercising its licensing functions under the Act.

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are: -

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 2.2 At its meeting on 7 December 2006 the Council approved the existing statement of gambling policy, a copy of which is attached at **Appendix A**.

### **3. Risk Management**

- 3.1 This triennial review of the policy statement is a key document in relation to the council's position in continuing to implement the Act's objectives and consideration of subsequent gambling applications.

### **4. Financial and legal implications**

- 4.1 There are no direct financial implications for Medway Council concerning this matter at present. However, if at any time in the future the policy was subject to legal challenge, there could be costs associated with this process.
- 4.2 The legal implications are dealt with within the body of the report. It should be noted that an inappropriately worded policy could result in a legal challenge by way of judicial review.
- 4.3 The policy has been prepared taking account of the guidance issued by the Gambling Commission and the authority of the council is in the process of undertaking consultation on the proposed amendments.

### **5. Recommendations**

- 5.1 The committee is asked to agree, subject to there being no adverse comments arising from consultation the following minor amendment to the gambling policy as set out in **Appendix B**: -

The removal of reference to particular paragraphs of the guidance issued by the Gambling Commission - this is constantly being updated and affects the quality of our document.

- 7.2 Amend/update of address for Children Services  
Pg 8 Paragraph referring to The Gambling Commission Guidance removal of example quoted in the last sentence  
Pg 12 Protecting children – amend first sentence to 'This licensing authority notes that the "The objective talks  
Pg 16 Bingo – removal of the 2nd bullet point and the following paragraph  
Pg 18 Amend/update of the addresses of the Responsible Authorities where required.

- 5.2 That appropriate publicity be given to the decision of the committee; and
- 5.3 That following consideration by Business Support Overview and Scrutiny committee if deemed necessary, the matter be referred to Cabinet and Council for approval on 15 December 2009 and 14 January 2010 respectively.

**Lead officer contact**

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**Background papers**

1. Gambling Act 2005
2. Gambling Commission Guidance – third Edition May 2009
3. Existing Gambling Act Policy (see Appendix A)
4. Revised Gambling Act Policy (see Appendix B)